THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.20563 of 2006

Date: 28-9-2006

Between:

M.Sujanamma w/o.late Simhachalam,
Aged 80 years, occ: Agriculture,
R/o.Kommaddi village,
Visakhapatnam Rural Mandal & District,
Presently residing at D.No.11-8-49/1,
Pandimetta, Visakhapatnam-2. .. Petitioner

And

1. Visakhapatnam Urban Development Authority,
represented by its Vice-Chairman,
Visakhapatnam.

2. The Mandal Revenue Officer,
Visakhapatnam Rural Mandal,
Visakhapatnam. .. Respondents

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ORDER:

The matter is coming up for admission today.

Heard Sri Roy Reddy, Counsel representing the writ petitioner and Sri Preeti Reddy, learned Standing Counsel representing the 1st respondent and the learned Government Pleader for Assignment, representing the 2nd respondent.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in interfering with the petitioner's peaceful possession of an extent of Acs.5.00 of land situate in Sy.No.154/3 of Kommaddi village, Visakhapatnam Rural Mandal and in taking steps to evict the petitioner without initiating any proceedings known to Law as illegal and arbitrary and consequently to direct the respondents to refrain from doing so and to pass such other suitable orders.

It is stated that the petitioner was assigned an extent of Acs.5.00 of land in Sy.No.154/3 of Kommaddi village, Visakhapatnam Rural Mandal in the year 1984 in terms of Board Standing Order 15. It is also stated that the 2nd respondent in a high handed manner trespassed over the petitioner's land in the month of February 2006 along with his officials and hired labour and in a brazen and wanton manner cut all the fully grown trees which the petitioner had planted and also demolished the residential house without any notice. It is also stated that the efforts to dispossess the petitioner in an illegal manner had been resisted with great difficulty and the petitioner was able to protect her possession in the month of February 2006. It is also stated that in the second week of September 2006, the officials from the office of the respondents 1 and 2 repeatedly visited the petitioner's land on 10-9-2006, 12-9-2006 and 15-9-2006 and asked the petitioner to vacate the

land failing which she would be forcibly evicted by 1-10-2006 and they tried to prevent the petitioner from ploughing the land. Further, no notice was issued and no steps were initiated in this regard by the respondents. In the said circumstances, the petitioner approached this Court.

It is however brought to the notice of this Court that one acre of land already had been resumed from 6-2-2006.

Be that as it may, it is needless to say that the respondents are bound to follow the procedure as per Law before taking up any further steps. In view of the same, the Writ Petition is disposed of with a direction to the respondents not to forcibly evict the petitioner unless and until they follow the due process of Law. No order as to costs.

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Justice P.S.Narayana

Date : 28-9-2006

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